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November 22, 2024

Via ECF

Hon. Daniel J. Stewart
United States Magistrate Judge
United States District Court
445 Broadway, Albany, NY 12207

Re: United States v. Michael Mann, Case No. 1:20-CR-199 (LEK) (DJS)

Dear Judge Stewart:

On November 18, 2024, the Government filed its brief in opposition to Pioneer Bank's motion seeking leave to file an amended petition. Dkt. no. 195.

I now write in order to correct and clarify a misstatement in our brief. In discussing Pioneer Bank's bad faith, we wrote:

Pioneer also fails to acknowledge that it could have easily discovered, long ago, that its First Claim was baseless. Pioneer could have obtained Bank of America account statements from, among others, Mann himself, with whom it entered into a consent judgment in Albany County Court in November 2019. In that litigation, Pioneer could have also subpoenaed Bank of America for the account records.

Dkt. No. 195 at 11. The highlighted portion is erroneous or at least requires some clarification. Since submitting our brief, I have recalled, and Pioneer Bank's counsel in this litigation has confirmed, that Pioneer Bank has subpoenaed and received documents from Bank of America at least twice – first in the Albany County case referenced above, in February 2020, and then in a federal case brought by Southwestern Payroll, in June 2023.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Michael Barnett
Assistant U.S. Attorney